

REMARKS

This paper is in supplementation to the amendment filed November 4, 2002 for the above-captioned application to add additional claims. These claims relate to the same basic type of device as the claims already pending, and include the same recitations concerning the macroporous body that are the focus of the arguments previously submitted. They are, however, more generic with respect to the definitions of other components. Support for the amendments is found in the specification as detailed below.

Claim 84:

¶ b has been changed so it recites a capture reagent that is effective to capture analyte from the liquid sample in the detection zone. This generic terminology is appropriate, since the application makes it clear that the specific immobilization technique is not an aspect of the invention. Indeed, it is noted that assays which perform capture in a detection zone using a specific binding reagent were already known (Pages 1-2). Further, this generic language is consistent with the statement of the analytical method as set forth on Page 7 of the application, wherein it is stated that "the presence of analyte in the sample [is] determined by observing the extent (if any) to which the labelled reagent becomes bound in the detection zone, " without reference to the specific nature of the capture reagent. The scope of this claim is also supported by original claim 24, which referred to an analytical device and a test strip of the like.

¶ c has also been changed to reflect more generic language, and state that there is a direct label on the labeled binding reagent, and that the capture reagent, the labelled binding reagent and analyte, when present, act in concert to form an immobilized and directly detectable product within the detection zone. This supported by same disclosure mentioned above.

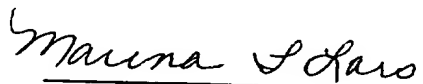
Claim 87:

This claim is presented in Jepson-type format as described in 37 CFR § 1.75 (e) and sets forth in the preamble elements known in the art, i.e., "a device for detection of an analyte in a sample, in which a liquid sample is applied to a porous carrier and a sandwich complex is formed in a

detection zone when analyte is present, said sandwich complex comprising a labeled binding reagent, the analyte and an immobilized capture reagent" and then setting forth the improvement of the present invention which is the use of a macroporous body in which the labeled binding reagent is disposed in the dry device.

Entry of this amendment and consideration of claims 84-87 together with claims 26-83 are respectfully requested.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Marina T. Larson", is written over a horizontal line. A large, sweeping flourish extends from the end of the signature upwards and to the right.

Marina T. Larson, Ph.D.
Attorney for Applicant(s)
Reg. No. 32,038

(970) 468-6600